UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.18
25 April 1994

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Pakistan

1. The Committee considered the initial report of Pakistan (CRC/C/3/Add.13) at its 132nd, 133rd and 134th meetings (CRC/C/SR.132-134), held on 5 and 6 April 1994, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes the State party's early ratification of the Convention and its role as one of the six initiators of the World Summit for Children in 1990, essential to the promotion and protection of children's rights.

3. The Committee welcomes the fact that written responses were provided to the questions raised by the Committee before the session. It regrets that the State party report was not prepared in accordance with the guidelines on reporting.

4. On the basis of information provided in the initial report and from the dialogue ensuing from its consideration the Committee feels that existing legislative and other measures are not sufficient to ensure the implementation of the Convention. At the same time, the Committee takes note of the statements made by the State party representative that further efforts will be made to address problems raised by the Committee. In view of this, the Committee requests that a progress report be submitted before the end of 1996.

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* At the 156th meeting, held on 22 April 1994.

B. Positive factors

5. The Committee welcomes the fact that a national conference was organized in December 1991 for a discussion on priority areas of survival, protection and development of children. It has taken note with appreciation of the "Islamabad Declaration" adopted at that conference.

6. The Committee notes with satisfaction the positive support and encouragement the Government is giving to the South Asian Association for Regional Cooperation (SAARC) Decade for the Girl Child.

7. The Committee welcomes the comments made by the State party's delegation on the importance it attaches to the guidance offered by the Committee as to the steps to be taken effectively to implement the Convention with the assistance of, inter alia, international bodies and agencies and non-governmental organizations.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee is aware that the rate of population growth in Pakistan is high and that almost half the population is under 18. It also notes that economic conditions have not been favourable and per capita income is relatively low. The influx of more than 3 million refugees from Afghanistan has placed a further strain on resources. Other difficulties noted by the Committee relate to the high level of illiteracy and the existence of traditional customs and values which, for instance, have delayed efforts to combat discrimination against girls.

D. Principal subjects of concern

9. The Committee is of the opinion that the broad and imprecise nature of the reservation made to the Convention raises deep concern as to its compatibility with the object and purpose of the Convention.

10. The Committee is of the view that due regard may not have been accorded in the preparation of the report to the possibility of conducting a comprehensive overview of the existing situation with regard to the realization of the rights of the child so as to provide the basis for carefully targeted strategies, including the establishment of priorities, as well as for monitoring progress made. Nor is it clear to what extent the process of reviewing the situation of children in the State party was designed to encourage and facilitate popular participation and public scrutiny of government policies.

11. The Committee also takes note of the complexities arising from the federal structure of government with regard to the delineation of responsibilities between federal and provincial levels; the lack of administrative coordination appears to be a serious problem. Another area of concern is the lack of consistency and clarity between some of the laws and their application within and between provinces.

12. While the Committee takes note of the State party's statement that much of the national legislation is not in contradiction with the rights of the

child as contained in the Convention, it is concerned that several rights are not recognized in national law. In particular, the legislation does not appear to ensure that all children, including non-citizens, are protected by the rights guaranteed under the Convention. In addition, the Committee notes the non-compatibility of certain areas of national legislation with the provisions and principles of the Convention, including the punishment of flogging and the death penalty and life imprisonment for children below the age of 18.

13. The Committee is concerned that insufficient attention seems to have been paid to the provisions of article 4 of the Convention, namely in the field of budgetary allocations and in view of the division of responsibilities between the federal and provincial levels. The Committee notes that international agencies have questioned the present balance of resource allocations in the State party between the social and other sectors, including defence.

14. The Committee expresses its concern about the apparent low level of awareness amongst the general public, including children, and professionals as to the provisions and principles of the Convention.

15. The Committee observes that sufficient attention does not appear to have been given to the implementation of the general principles of the Convention, namely its articles 2, 3, 6 and 12, in guiding the measures to be taken to make all the rights of the child a reality.

16. The Committee is deeply concerned at the situation of girl children, both as regards the effect of legislation in place, measures adopted and practices and customs which serve to discriminate against girl children, such as early marriage, and the insufficient attention accorded to their schooling.

17. Discrimination against disabled children is also a matter of concern to the Committee.

18. The Committee is concerned to note that national health plans appear to emphasize the training of doctors rather than of nurses and other health personnel, including paramedics. Its attention has also been drawn to the apparent lack of clarity in the division of responsibilities between the provincial and federal levels for the development of a strong primary health care system.

19. The Committee is seriously concerned about the effectiveness of measures to attain the goal of primary education for all, particularly for girls.

20. The Committee emphasizes that it is very much concerned about the system of administration of juvenile justice and its non-compatibility with the provisions of the Convention, including articles 37, 39 and 40 thereof, and other relevant United Nation standards in this field, namely the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

21. The Committee is seriously alarmed at the reports of the forced labour of children, the exploitation of child labour in the informal and agriculture sectors and the trafficking of children which have been brought to its attention.

E. Suggestions and Recommendations

22. The Committee expresses the firm hope that the State party will review its reservation with a view to withdrawing it.

23. While noting the information contained in the report that a review of the conformity of national legislation with the Convention has been undertaken, the Committee encourages the State party to continue to scrutinize carefully legislative and other measures at both the federal and provincial levels to ensure their full conformity with the principles and provisions of the Convention, in a comprehensive and holistic manner. The hope is also expressed that in this endeavour, the State party will take into account the Committee's concerns, particularly its recommendations with regard to the abolition of flogging and capital punishment for children under the age of 18, and that deprivation of liberty should only be used as a measure of last resort and for the shortest period of time, as well as the suggestions made in respect of the definition of the child, for instance concerning the age of criminal responsibility.

24. The Committee encourages the State party to undertake a thorough review of its national plan of action on children. It is recommended that the goals of the plan should be achieved, measurably, within a specific time-frame, and that the Convention on the Rights of the Child be fully integrated into the plan.

25. The Committee emphasizes the importance and value of setting up a coordinating mechanism with the mandate of determining priorities and regularly monitoring and evaluating progress in the implementation of the rights of the child at the federal, provincial and local levels. As a first step in this direction, the Committee suggests that the State party consider the possibility of setting up an interministerial committee or similar body with political authority to review initially and determine appropriate action to follow up on the observations made during the constructive dialogue between the State party and the Committee.

26. The best interests of the child is a guiding principle in the implementation of the Convention, including its article 4, and, in this connection, the Committee notes the importance of the implementation of that principle, ensuring that the maximum extent of resources are made available for children's programmes, in reviewing budget allocations to the social sector, both at the federal and provincial levels.

27. Active measures must be taken, in the view of the Committee, to make widely known the provisions and principles of the Convention to adults and children alike. To assist in these efforts, it is suggested that political, religious and community leaders should be encouraged to take an active role in supporting efforts to eradicate traditional practices or customs which discriminate against children, particularly the girl child, or are harmful to

the health and welfare of children. In addition, it is recommended that training about child rights should be given to relevant professional groups. Law enforcement personnel, including police officials and judges, should be aware of the provisions of the Convention, especially relating to the system of the administration of juvenile justice.

28. The Committee also recommends that the State party should develop awareness-raising and training programmes to combat violence against children and prevent their abuse, neglect, abandonment and ill-treatment. Such programmes should be addressed to, inter alia, parents, teachers and law enforcement officials. Consideration should also be given to the establishment of effective complaints procedures in such cases.

29. The Committee encourages the Government to continue taking measures to strengthen the primary health care system. The Committee would like to see greater emphasis on family education, including family planning, and encourages the training of community health care workers to assist in these tasks. The Committee also suggests that an outreach programme be developed at the community level to address issues relating to disabled children, in view of their particular vulnerability.

30. In line with international recommendations, the Committee wishes to emphasize the importance of focusing attention on improving the provision and quality of education, especially in view of its potential benefit for addressing various concerns, including the situation of girls and reducing the incidence of children at work. The Committee encourages the Government to consider taking active and urgent measures to tackle the problems of the low enrolment of girls in school, the high incidence of school drop-out, and illiteracy, especially of girls and women. Attention is drawn to the possibility of benefiting from the activities of women's groups to improve access to education for girls at the community level.

31. The Committee suggests that the system of the administration of juvenile justice be reviewed to ensure its compatibility with the provisions and principles of the Convention. Technical advice and assistance in this regard could be sought from the advisory services and technical assistance programme of the Centre for Human Rights.

32. The Committee recommends that the State party evaluate thoroughly the adequacy of measures taken to deal with issues of the exploitation of children. In the light of the legislation recently adopted in this area, namely the Employment of Children Act and the Bonded Labour System (Abolition) Act, as well as the conclusions of the Asian Regional Seminar on Children in Bondage, held in Islamabad, the Committee would like to emphasize the importance of measures to be taken for their enforcement, particularly through the establishment of complaints and inspection procedures and vigilance committees. A rehabilitation programme for children released from bonded labour is also recommended. The Committee also recommends that greater attention be given to the issues of the employment of children in the informal sector and in agriculture and that measures be taken to address these issues. The Committee believes that technical advice, particularly from ILO, may be appropriate with regard to these matters.

33. The Committee acknowledges the willingness the State party has shown for many years to accept refugees, particularly from neighbouring countries, and expresses the hope that the Federal Government will continue to grant refugee status to children - and their families - as such needs arise in the future, as well as ensuring at the same time a comprehensive system of registration.

34. The Committee draws attention to the provisions of article 45 (b) of the Convention relating to the provision of technical assistance and advice and encourages the Government to continue its cooperation with intergovernmental and non-governmental organizations for improvement of the situation of children. Moreover, the Committee encourages the Centre for Human Rights, UNICEF and ILO and other interested organizations and agencies to provide, if requested, assistance and advice to the State party for its programmes to implement the Convention on the Rights of the Child.

35. Finally, the Committee welcomes the undertaking by the State party's delegation that responses will be submitted to the questions which remained unanswered during the dialogue. It also welcomes the invitation addressed to members of the Committee to visit the State party. It proposes that a progress report on the implementation of the Convention, in conformity with the guidelines on reporting and taking into account the observations made during the dialogue between the Committee and the State party, be submitted to the Committee before the end of 1996.